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B&O Manufacturing, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO/OAKLAND DIVISION**

**B&O MANUFACTURING, INC.,**

Plaintiff,  
v.

**HOME DEPOT U.S.A., INC.,**

Defendant.

Case No.: C 07-02864 JSW

**DECLARATION OF MICHAEL  
CALLEJA IN SUPPORT OF  
OPPOSITION TO DEFENDANT'S  
MOTION TO TRANSFER VENUE TO  
THE NORTHERN DISTRICT OF  
GEORGIA AND TO DISMISS COUNTS  
TWO THROUGH FIVE OF  
PLAINTIFF'S SECOND AMENDED  
COMPLAINT**

I, Michael Calleja, declare and state:

1. I am the President and CEO of Plaintiff B&O Manufacturing, Inc. ("B&O"), and have been so for nearly the last fifteen years. I have personal knowledge of all facts set forth in this Declaration, and I am competent to so testify if called upon as a witness.

2. I have been advised by Home Depot that at least some records pertaining to the transactions at issue in this case are either generated from and/or maintained in India. All of B&O's internal records are maintained in California.

3. On numerous occasions, representatives of various "Home Depot" entities have visited B&O's California location, in South San Francisco within the past five years or so. However, to the best of my recollection, I am the only non-lawyer to visit the Home Depot main facility in Atlanta on

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1 behalf of B&O. These two visits by B & O's attorney, Paul Rice, did not involve contract  
 2 negotiations, but rather attempts at dispute resolution. I was present during the entirety of these two  
 3 visits and heard all of the discussions which took place between Mr. Rice, myself and Home Depot  
 4 personnel.

5 4. While I cannot recall the names of all the representatives of Home Depot to visit B & O's  
 6 South San Francisco location, or their exact titles, and perhaps even the exact spelling of their  
 7 names, to the best of my recollection, these representatives include  
 8 David Curley, Stan Hankowski (Procurement Manager), Chris Kibler (Director of Safety), Ken  
 9 Broome (Procurement Manager), Tim Armstrong (Fixture Buyer), and possibly Mark Arpia  
 10 (Western Region Store Planner). Additionally there have been several other Home Depot  
 11 Representatives who have visited this location during said time period, but I do not recall any other  
 12 names.

13 5. B&O is a manufacturer, based in the Northern District of California, which shipped  
 14 Home Depot product to all states in which Home Depot retail outlets are located. Most of the  
 15 manufacturing of product for Home Depot by B& O took place at B & O's South San Francisco  
 16 facility.

17 6. Other than sales of product to Georgia Home Depot retail locations, which were part of  
 18 B & O's general sales to retail locations, B&O's contacts with Georgia had to do with business  
 19 negotiations, payments, et cetera.

21 I declare under penalty of perjury under the laws of the United States of America that the  
 22 foregoing is true and correct.

24 Executed on September 25, 2007.

/s/ Michael Calleja  
 Michael Calleja